

IN THE CIRCUIT COURT OF Kanawha COUNTY, WEST VIRGINIA

CIVIL CASE INFORMATION STATEMENT
(Civil Cases Other than Domestic Relations)

FILED

19-C-657

I. CASE STYLE:

Plaintiff(s)
Stella Gill

Case No. 19-C-657

Judge: KING

2019 JUL -1 PM 2:31
CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

vs.

Defendant(s)

School Building Authority of West Virginia

Name

See Second Page

Street Address

Days to
Answer

60

Type of Service

Cert. Mail, Restricted Deliv, Ret Receipt

City, State, Zip Code

II. TYPE OF CASE:

☐ General Civil

☐ Mass Litigation [As defined in T.C.R. 26.04(a)]

☐ Asbestos

☐ FELA Asbestos

☐ Other:

☐ Habeas Corpus/Other Extraordinary Writ

☒ Other: Employment

☐ Adoption

☐ Administrative Agency Appeal

☐ Civil Appeal from Magistrate Court

☐ Miscellaneous Civil Petition

☐ Mental Hygiene

☐ Guardianship

☐ Medical Malpractice

III. JURY DEMAND: ☒ Yes ☐ No CASE WILL BE READY FOR TRIAL BY (Month/Year): 10 / 2019

IV. DO YOU OR ANY
OF YOUR CLIENTS
OR WITNESSES
IN THIS CASE
REQUIRE SPECIAL
ACCOMMODATIONS?

☐ Yes ☒ No

IF YES, PLEASE SPECIFY:

☐ Wheelchair accessible hearing room and other facilities

☐ Reader or other auxiliary aid for the visually impaired

☐ Interpreter or other auxiliary aid for the deaf and hard of hearing

☐ Spokesperson or other auxiliary aid for the speech impaired

☐ Foreign language interpreter-specify language:

☐ Other:

Attorney Name: Kurt Entsminger

Firm: Estep Entsminger Law Group PLLC

Address: 600 Kanawha Blvd. E, STE 201, Charleston, WV 25301

Telephone: (304) 357-9200

Representing:

☒ Plaintiff

☐ Defendant

☐ Cross-Defendant

☐ Cross-Complainant

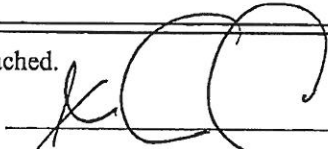
☐ 3rd-Party Plaintiff

☐ 3rd-Party Defendant

☐ Proceeding Without an Attorney

Original and 3 copies of complaint enclosed/attached.

Dated: 07 / 01 / 2019

Signature: 

Plaintiff: _____, et al

Case Number: 19-C-657

vs.

Defendant: _____, et al

**CIVIL CASE INFORMATION STATEMENT
DEFENDANT(S) CONTINUATION PAGE**

C/O Honorable Patrick Morrissey

Defendant's Name

State Capitol Cmplx, Building 1, Rm. E-26

Street Address

Charleston, WV 25305

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

C/O David Roach, School Building Auth.

Defendant's Name

2300 Kanawha Blvd. E

Street Address

Charleston, WV 25311

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

IN THE CIRCUIT COURT OF KANAWHA COUNTY WEST VIRGINIA

STELLA GILL,

Plaintiff,

v.

SCHOOL BUILDING AUTHORITY OF
WEST VIRGINIA,

Defendant.

FILED

2019 JUL -1 PM 2:32

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

CIVIL ACTION NO.: 19-C-657
JUDGE: KING

COMPLAINT

COMES NOW, Plaintiff, by counsel, and for her Complaint, states the following:

PARTIES & JURISDICTION

1. At all relevant times, Plaintiff, Stella Gill, was a citizen of West Virginia and resided in Kanawha County, West Virginia.

2. At all relevant times, the School Building Authority of West Virginia (hereinafter "SBA") was a state agency and corporate body created by the West Virginia Legislature pursuant to *W. Va. Code* § 18-9D-1, *et. seq.*

VENUE

3. Venue is appropriate in the Circuit Court of Kanawha County, West Virginia, because the cause of action that gives rise to this Complaint arose in Kanawha County, West Virginia and because the Defendant SBA is an agency and political subdivision of the State of West Virginia.

FACTS

4. Plaintiff was employed by Defendant from on or around 2005 until her employment was involuntarily and wrongfully terminated by Defendant on or about February 23, 2019.

5. At all relevant times mentioned herein, Plaintiff was the Director of Administration for the SBA and at all relevant times performed her work duties in a satisfactory manner.

6. On Wednesday, February 6, 2019, Plaintiff was at work and performing her work duties for SBA when she began to experience certain medical symptoms that indicated she might be suffering from a stroke.

7. As a result of these symptoms, Plaintiff was transported to Charleston Area Medical Center General Division where she was admitted and treated for a possible stroke.

8. Upon her discharge, Plaintiff was diagnosed as having suffered a trans ischemic attack (mini stroke).

9. Upon returning to work on the morning of Monday, February 11, 2019, Plaintiff was called into a meeting in which her supervisor, David Roach, participated by phone.

10. During the February 11, 2019 meeting, Plaintiff was notified that she was being placed upon a 2-week suspension without pay for having engaged in alleged "inappropriate activity."

11. At no time during the meeting on February 11, 2019, and at no time during her following 2-week suspension was Plaintiff notified by Defendant SBA of the specific facts or circumstances that gave rise to the allegations that she had engaged in "inappropriate activity" nor was Plaintiff given any opportunity to respond to such nebulous allegations.

12. By letter dated February 19, 2019 and signed by David Roach, Plaintiff was notified that she was being terminated from her employment with Defendant effective February 23, 2019.

13. The February 19, 2019 letter of termination sent by Defendant did not cite any specific reasons or grounds for Plaintiff's termination but recited that Plaintiff was an at-will employee who could be properly fired without cause.

14. At the time Plaintiff's employment was terminated, Defendant was legally obligated to pay all wages and fringe benefits due in accordance with the *West Virginia Wage Payment and Collections Act* ("WPCA").

15. Despite Defendant's legal obligations, Defendant failed to pay Plaintiff all wages and fringe benefits due in accordance with applicable law.

COUNT I—WVHRA (DISABILITY DISCRIMINATION)

16. Plaintiff realleges and incorporates herein each and every allegation contained in the preceding Paragraphs.

17. Defendant is a state political subdivision and is thereby an employer within the meaning of *W. Va. Code* § 5-11-3(d).

18. Plaintiff is a covered individual within the meaning of the *West Virginia Human Rights Act* (WVHRA).

19. At the relevant times mentioned herein, Plaintiff suffered from one or more medical conditions and disabilities and/or was regarded or perceived by Defendant to suffer from one or more medical conditions and disabilities.

20. Plaintiff was at all times able and competent to perform the essential functions of her job with or without reasonable accommodation.

21. Plaintiff was discriminated against based, in whole or in part, on Plaintiff's disability, including the following:

- a. Having a mental or physical impairment which substantially limits one or more of Plaintiff's life activities;
- b. Having a record of such impairment;
- c. Being regarded as having such an impairment; or,

d. Being perceived as having such an impairment.

22. Defendant's decision to terminate Plaintiff's employment was wholly or substantially based upon Plaintiff's disability and any purported legitimate reasons offered by Defendant as a justification for such termination are merely pretextual.

23. Defendant's discrimination, including the termination of Plaintiff's employment, constituted an unlawful discriminatory practice under the WVHRA and *West Virginia Code of State Rules* § 77-1-1, *et seq.*

24. Defendant's actions and/or inactions were willful, wanton, and/or intentional and undertaken with reckless disregard and indifference to the rights of Plaintiff.

25. As a direct and proximate result of Defendant's actions and/or inactions, Plaintiff has suffered and will continue to suffer economic damages, including past, present, and future lost wages and benefits in an amount as may be determined by the Court or by a jury.

26. As a direct and proximate result of Defendant's actions and/or inactions, Plaintiff has suffered and will continue to suffer economic damages due to the adverse impact that her unlawful termination has upon her eligibility for retirement benefits and in an amount as may be determined by the Court or by a jury.

27. As a direct and proximate result of Defendant's actions and/or inactions, Plaintiff has suffered and will continue to suffer emotional damages, including humiliation, mental pain and suffering, emotional distress, and embarrassment, in an amount to be determined by a jury.

28. As a result of Defendant's unlawful discriminatory practices, Plaintiff is entitled to the costs of litigation, including attorney fees and costs.

29. As a direct and proximate result of Defendant's actions and/or inaction, Plaintiff has suffered and will continue to suffer damages and is entitled to all other legal or equitable relief that this Court may deem appropriate, in an amount to be determined by the Court or by a jury.

COUNT II—VIOLATION OF THE WEST VIRGINIA
WAGE PAYMENT AND COLLECTION ACT

30. Plaintiff realleges and incorporates herein each and every allegation contained in the preceding Paragraphs.

31. Defendant is an employer within the meaning of the WPCA.

32. Plaintiff is an employee within the meaning of the WPCA.

33. Defendant failed to pay Plaintiff her employment wages and fringe benefits in full within the time periods mandated by the WPCA.

34. Defendant's actions violated the WPCA, entitling Plaintiff to liquidated damages, interest, and attorney's fees and costs pursuant to *W. Va. Code* § 21-5-1, *et seq.*

PRAYER FOR RELIEF


WHEREFORE, Plaintiff prays for the following relief:

- a. That the Court award Plaintiff relief for all compensatory damages set forth in this Complaint, including past, present, and future lost wages and damages for loss of retirement benefits.
- b. That the Court award Plaintiff relief for all general damages set forth in this Complaint, including humiliation, mental pain and suffering, emotional distress, and embarrassment;
- c. That the Court award Plaintiff all damages and remedies provided by the WPCA, including but not limited to, all outstanding wages, liquidated damages, and interest, arising out of violations of the WPCA;

- d. That the Court award Plaintiff punitive damages;
- e. That the Court award Plaintiff the costs of litigation, including attorney fees and costs;
- f. That the Court award pre-judgment and post-judgment interest;
- g. That the Court award all other legal relief that this Court deems appropriate or that may be available under applicable law;
- h. At this time, Plaintiff does not seek reemployment with Defendant.

PLAINTIFF DEMANDS A TRIAL BY JURY.

**STELLA GILL
BY COUNSEL,**



Kurt E. Entsminger (WVSB #1130)
Phillip Estep (WVSB #11403)
Estep Entsminger Law Group PLLC
600 Kanawha Boulevard, East, Suite 201
Charleston, West Virginia 25301
(t) (304) 357-9200
(f) (304) 357-9201
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pestep@employmentlawwv.com

IN THE CIRCUIT COURT OF KANAWHA COUNTY WEST VIRGINIA

STELLA GILL,

Plaintiff,

v.

SCHOOL BUILDING AUTHORITY OF
WEST VIRGINIA,

Defendant.

SUMMONS

To: David L. Roach
Executive Director
School Building Authority
2300 Kanawha Boulevard, East
Charleston, WV 25311-2306

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Estep Entsminger Law Group PLLC, counsel for Plaintiff, whose address is 600 Kanawha Boulevard, East, Suite 201, Charleston, WV 25301, an answer or responsive pleading to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within sixty (60) days of service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will thereafter be barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: 7.1.19

Cathy S. Gatson, Clerk
Clerk of Court

By K. R. R. R.

FILED

2019 JUL -1 P 3:01

CIVIL ACTION NO. 19-00000
JUDGE: 12156

19-C-657

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CATHY S. DATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

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19-C-657

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